

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

RICKKE LEON GREEN,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-05-1370-L
)	
JOHN W. WHETSEL, Sheriff,)	
)	
Respondent.)	

ORDER

This matter is before the court for review of the Report and Recommendation entered by United States Magistrate Judge Robert E. Bacharach on December 1, 2005 in this action seeking federal habeas relief. The Magistrate Judge recommends that the petition be summarily dismissed because it is facially invalid. Petitioner alleged that he was treated differently than hundreds of other prisoners when he was prosecuted and convicted in criminal proceedings for possession of contraband. The Magistrate Judge found that the allegations were deficient because petitioner failed to allege any facts suggesting discrimination involving impermissible considerations such as race, religion, or the exercise of a constitutional right.

The court file reflects that no party has filed a written objection to the Report and Recommendation within the time limits allowed, although petitioner did file an "Application of Notice of Interference with First Amendment Constitutional Right of Access to This Federal Court." The court has carefully

reviewed this document and finds that it contains nothing that would alter the well-supported conclusion of the Magistrate Judge that plaintiff's petition fails to adequately allege an equal protection violation.

Having conducted a *de novo* review of the matter, the court finds that the Report and Recommendation should be adopted in its entirety. Accordingly, the petition is summarily **DISMISSED**. Judgment will issue on a separate document in accordance with the Federal Rules of Civil Procedure. In light of this order, petitioner's post-Report and Recommendation Motion to Proceed *In Forma Pauperis* [**Doc. No. 5**] is **DENIED**.

It is so ordered this 30th day of January, 2006.



TIM LEONARD
United States District Judge